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7  
8 **BEFORE THE**  
**BOARD OF REGISTERED NURSING**  
9 **DEPARTMENT OF CONSUMER AFFAIRS**  
**STATE OF CALIFORNIA**

10 In the Matter of the Accusation Against:

Case No. *2013-486*

11  
12 **CHRISTINA LOUISE BUTLER**  
13 **470 Sonoma Avenue**  
**Seaside, CA 93955**

**A C C U S A T I O N**

14 **Registered Nurse License No. 515759**

15 Respondent.

16  
17 Complainant alleges:

18 **PARTIES**

19 1. Louise R. Bailey, M.Ed., RN (Complainant), brings this Accusation solely in her  
20 official capacity as the Executive Officer of the Board of Registered Nursing (Board),  
21 Department of Consumer Affairs.

22 2. On or about September 12, 1995, the Board issued Registered Nurse License Number  
23 515759 to Christina Louise Butler (Respondent). The Registered Nurse License expired on  
24 March 31, 2011, and has not been renewed.

25 **JURISDICTION**

26 3. This Accusation is brought before the Board under the authority of the following  
27 laws. All section references are to the Business and Professions Code (Code) unless otherwise  
28 indicated.

4. Code section 2750 provides, in pertinent part, that the Board may discipline any licensee, including a licensee holding a temporary or an inactive license, for any reason provided in Article 3 (commencing with section 2750) of the Nursing Practice Act.

5. Code section 2764 provides, in pertinent part, that the expiration of a license shall not deprive the Board of jurisdiction to proceed with a disciplinary proceeding against the licensee or to render a decision imposing discipline on the license.

## STATUTORY PROVISIONS

6. Code section 490 provides, in pertinent part, that a board may suspend or revoke a license on the ground that the licensee has been convicted of a crime substantially related to the qualifications, functions, or duties of the business or profession for which the license was issued.

7. Code section 2761(f) provides that the Board may take disciplinary action against a certified or licensed nurse for “[c]onviction of a felony or of any offense substantially related to the qualifications, functions, and duties of a registered nurse, in which event the record of the conviction shall be conclusive evidence thereof.”

8. Code section 2762 states:

“In addition to other acts constituting unprofessional conduct within the meaning of this chapter [the Nursing Practice Act], it is unprofessional conduct for a person licensed under this chapter to do any of the following:

...

“(b) Use any controlled substance as defined in Division 10 (commencing with Section 11000) of the Health and Safety Code, or any dangerous drug or dangerous device as defined in Section 4022, or alcoholic beverages, to an extent or in a manner dangerous or injurious to himself or herself, any other person, or the public or to the extent that such use impairs his or her ability to conduct with safety to the public the practice authorized by his or her license.

“(c) Be convicted of a criminal offense involving the prescription, consumption, or self-administration of any of the substances described in subdivisions (a) and (b) of this section, or the possession of, or falsification of a record pertaining to, the substances described in

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1 subdivision (a) of this section, in which event the record of the conviction is conclusive evidence  
2 thereof.”

### 3 COST RECOVERY

4 9. Code section 125.3 provides, in pertinent part, that the Board may request the  
5 administrative law judge to direct a licensee found to have committed a violation or violations of  
6 the licensing act to pay a sum not to exceed the reasonable costs of the investigation and  
7 enforcement of the case.

### 8 FIRST CAUSE FOR DISCIPLINE

#### 9 (Conviction of a Substantially-Related Crime)

10 10. Respondent is subject to disciplinary action under section Code sections 2761(f) and  
11 490 in that, on or about November 15, 2011, in Monterey County Superior Court, Case Number  
12 SS110463A, Respondent was convicted of having violated Vehicle Code section 23153(a)  
13 (driving under the influence and causing bodily injury to another person), a felony. Imposition of  
14 sentence was suspended in favor of 180 days in county jail and five years of formal probation.  
15 The conditions of probation require Respondent to, among other things, refrain from driving a  
16 vehicle while under the influence of prescription medications, submit to warrantless searches and  
17 seizures, participate in various counseling and substance abuse programs, and pay fines and  
18 victim restitution. The conviction arose from an automobile accident that occurred on or about  
19 December 11, 2010. Respondent was driving under the influence of Vicodin<sup>1</sup> and OxyContin<sup>2</sup>  
20 and crashed her vehicle into oncoming traffic, causing bodily injury to herself and others.

### 21 SECOND CAUSE FOR DISCIPLINE

#### 22 (Dangerous/Injurious Use of Drugs)

23 11. Respondent is subject to disciplinary action under Code sections 2762(b) in that, on

24 <sup>1</sup> ..Vicodin is a brand of hydrocodone bitartrate combining acetaminophen and  
25 hydrocodone used for moderate to severe pain relief. It is a Schedule II controlled substance as  
26 designated by Health and Safety Code section 11055(b)(1)(I), and a dangerous drug pursuant to  
Code section 4022.

27 <sup>2</sup> .. OxyContin, a brand of oxycodone hydrochloride used for moderate to severe pain  
28 relief, is a Schedule II controlled substance as designated by Health and Safety Code section  
11055(b)(1)(M), and a dangerous drug pursuant to Code section 4022.

1 or about December 11, 2010, Respondent used controlled substances and/or dangerous drugs in a  
2 manner dangerous or injurious to herself and others, as described in paragraph 10, above.

3 THIRD CAUSE FOR DISCIPLINE

4 (Drug-Related Conviction)

5 12. Respondent is subject to disciplinary action under Code section 2762(c) in that, on or  
6 about November 15, 2011, Respondent was convicted of a felony offense involving the  
7 consumption or self-administration of controlled substances and/or dangerous drugs, as described  
8 in paragraph 10, above.

9 PRAYER

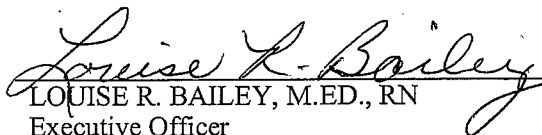
10 WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged,  
11 and that following the hearing, the Board of Registered Nursing issue a decision:

12 1. Revoking or suspending Registered Nurse License Number 515759 issued to  
13 Christina Louise Butler;

14 2. Ordering Christina Louise Butler to pay the Board of Registered Nursing the  
15 reasonable costs of the investigation and enforcement of this case, pursuant to Business and  
16 Professions Code section 125.3;

17 3. Taking such other and further action as deemed necessary and proper.

18  
19  
20 DATED: December 13, 2012

  
LOUISE R. BAILEY, M.ED., RN  
Executive Officer  
Board of Registered Nursing  
Department of Consumer Affairs  
State of California  
Complainant

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